

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIRIUS XM RADIO INC.,

Plaintiff,

vs.

SOUNDEXCHANGE, INC. and
AMERICAN ASSOCIATION OF
INDEPENDENT MUSIC,

Defendants.

Civil Action No. 12-CV-2259 (TPG) (FM)

**NOTICE OF MOTION OF DEFENDANT
AMERICAN ASSOCIATION OF
INDEPENDENT MUSIC TO DISMISS THE
COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law dated May 7, 2012 in support of this Motion (which incorporates by reference the Memorandum of Law In Support Of Defendant SoundExchange, Inc.'s Motion to Dismiss All Counts of the Complaint dated May 7, 2012 in its entirety) and the pleadings herein, Defendant American Association of Independent Music will move this Court, before the Honorable Thomas P. Griesa, United States District Judge for the Southern District of New York, for an order pursuant to Fed R. Civ. P. 12(b)(6) dismissing the Complaint of Plaintiff Sirius XM Radio Inc. for failure to state a claim upon which relief can be granted, and such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b) of the Southern District of New York, papers in opposition to this Motion are to be served within fourteen days of service of this Motion, and any reply papers are to be served within seven days after service of the answering papers.

DATED: May 7, 2012
New York, New York

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